REMARKS

Claims 1-5, 10, 11, 14, 15, and 18 are now pending in the application. Claims 1, 4, 10, 11, 14, and 15 are amended. Claim 18 is added. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

STATEMENT OF THE SUBSTANCE OF THE INTERVIEW

Applicants gratefully acknowledge the telephonic interview of May 24, 2006. Therein, Examiner Sara Hanne and Applicants' representative Jennifer Brooks discussed amendments similar to those contained herein. For example, the Examiner expressed concern over a proposed amendment specifying that the style data are fixed and not subjected to editing, and admonished Applicants to point out support in the Specification for this proposed amendment. Also, the Examiner suggested an alternative wording for a portion of the claim amendments, which Applicant's have adapted. Further, the Examiner expressed concern that a further restriction may be required in view of different directions taken by the proposed amendments. Still further, the Examiner agreed that certain subject matter recited in new claim 18, pending further review of the cited reference, appears to distinguish over the cited reference. Finally, the Examiner raised the possibility of an Examiner's amendment to place the present application in condition for allowance.

CLAIMS 1-5, 10, 11, 14, and 15

Applicants consider that the cited document Eyzaguirre et al. does not teach or indicate the constituent elements of claim 1, i.e., "first storage" and "second display section". Eyzaguirre completely fails to teach or indicate the style data including an accompaniment part having a prescribed time length of accompaniment and a percussion instrument part subjected to simultaneous playback with the accompaniment part. Eyzaguirre teaches in FIG. 7 a plurality of music samples 720 used for the purpose of music composition, and it merely shows plural music samples regarding musical

instrument parts by the user. Applicants consider that plural musical samples differ from playback samples subjected to simultaneous playback. Hence, it is very difficult for the skilled person in the art to think out the important points of the present invention in light of plural musical samples 720, i.e., "the style data including the accompaniment part having the prescribed time length of accompaniment and the percussion instrument part subjected to simultaneous playback with the accompaniment part" and "the second display section for displaying the first block representing the accompaniment part included in the style data and the second block representing the percussion instrument part included in the style data". Eyzaguirre shows in FIG. 7 the harmony selector 710, which may simply correspond to a screen operator allowing the prescribed harmony to be automatically imparted to the music sample attached onto the screen by the user. Therefore, the harmony selector 710 is irrelevant to the style data and second display section taught by the present invention.

In the alternative, the present invention is characterized in that a mode selector (corresponding to a mode select switch SW4) is operable to select either a style data playback mode (for playing back style data) and a user's performance data playback mode (for playing back the accompaniment part of the user's performance data) when the user's performance data are played back with respect to the accompaniment part. That is, the user can easily operate the mode selector so as to play back either the style data or the accompaniment part of the user's performance data. This allows the user to compare playback results by reproducing different accompaniment parts when producing a musical tune. Eyzaguirre completely fails to teach or indicate the mode selector and playback device of the present invention. The technology of Eyzaguirre is very troublesome for the user because each musical tune, which is produced by attaching samples to prescribed parts, should be played back in order to compare plural samples, one of which may be appropriate to the prescribed part.

Accordingly, Applicants respectfully request that the rejections be withdrawn.

CLAIM 18

Applicants respectfully request the Examiner consider claim 18, which recites subject matter clearly supported in the originally filed Specification. For example, Figure 1 and related discussion at page 9, line 16-page 12, line 7, and especially page 10, lines 12-14 and page 11, lines 21-25 describes how one or more tracks of performance data can be used to directly record user performance data that is called "user record data" and entered by an input device (e.g., a midi controller keyboard), and can also be used to record user performance data generated by moving the user style data from a template onto the track. Further, page 16, line 11-page 18, line 6 describes an edit mode in which the style data can be used to edit a section of user record data by dragging and dropping the style data onto the record data. For example, page 18, lines 4-6 reports that, "it is possible to copy onto the user record data, a specific part of the style data." Also, page 17, lines 8-14 reports that, "performance data of the moved block are recorded on the specific part of the user's performance data ... for example, performance data of 'part 2 of style A' are ... recorded on the part 2 of the user record data." Further, page 16, lines 20-22 reports that, "a decision is made as to whether the user performs drag and drop operations to move the block of the style data from the style data window W2 to the performance data window W1 on the screen." Thus, the subject mater recited in claim 18 is fully supported in the originally filed Specification. These differences from the prior art are significant because the user is permitted to edit a portion of user record data by moving (e.g., drag and drop) a section of style data of predetermined length onto the portion of the user record data, and thereby correct a user mistake or change the style without having to discard the whole user record data and/or generate new user record data. In the event the Examiner finds claim 18 to be allowable, and the Application is not otherwise deemed in condition for allowance, Applicant's invite the Examiner to propose an appropriate Examiner's amendment to the claims in order to place the application in condition for allowance.

JSB/sjr

CONCLUSION

In view of the above amendment, Applicants believe the pending application is in condition for allowance.

Applicants believe no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 08-0750, under Order No. 2552-000001/US from which the undersigned is authorized to draw.

Dated: May 24, 2006

Respectfully submitted,

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